



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,923	07/09/2001	Paul Elliott	PE-1	8404

7590 03/13/2003

MICHAEL I. KROLL
ATTORNEY AT LAW
171 STILLWELL LANE
SYOSSET, NY 11791

EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,923

Applicant(s)

ELLIOTT, PAUL

Examiner

James R. Brittain

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3677

DETAILED ACTION

Election/Restrictions

Claims 1-5 and 7-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Claim Objections

Claim 13 is objected to because of the following informalities: The term "said flap" (lines 1-2) lacks clear antecedent basis. Further, the use of "also" (line 2) implies dependence on claim 12. It is suggested that the claim be made dependent on claim 12 with appropriate change so that the flap has proper antecedent basis. The claim is being reviewed for art purposes as though it is dependent on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeltner (US 4912800) in view of McGhee (US 6363244).

Zeltner (figure 1) teaches towel attachment structure comprising a flat, rectangular shaped towel 12 made of a single sheet of material and including an eyelet 18 extending therethrough adjacent a corner of said towel, a clasp 22 for releasably

Art Unit: 3677

securing the device to a golf bag, the clasp appearing from the figure 1 to comprise a common spring wire openable loop so that the towel is releasably secured to the golf bag. The difference is that clasp 22 is not a carabiner and it isn't stated as for use to secure the device to clothing of the user. However, McGhee (figure 1) teaches the use of a C-shaped carabiner with a pivoted latch as being well known for securing a depending object from the belt loop of a user by securing the carabiner through the eyelet in the tether so as to be more easily secured and more dependable to a belt loop than a clip (col. 1, lines 57-63). The problems faced in making the phone both more easily and dependably secured and detached from a belt loop are analogous to making a towel both more easily and dependably secured and detached from a belt loop. Further, the clasp of Zeltner is inherently capable of being secured to the clothing of a user if so desired. It would have been obvious to modify the device of Zeltner so that the device is a carabiner with a pivoted latch in view of McGhee (figure 1) teaching the use of a C-shaped carabiner with a pivoted latch as being well known for securing a depending object from the belt loop of a user by securing the carabiner through the eyelet in the tether so as to be more easily secured and more dependable to a belt loop than a clip (col. 1, lines 57-63). As to claim 12, Zeltner shows in figure 1 that it is well known to place indicia such as that representing a golf hole upon the towel.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeltner (US 4912800) in view of McGhee (US 6363244) as applied to claim 6. above, and further in view of Oster (WO 97/38847).

Art Unit: 3677

Further modification of the towel attachment device of Zeltner who teaches placing the brush in a diagonally opposite corner of the towel so that through the weight of the brush the towel body hangs uniformly so that the towel has a rectangular flap in place of the brush so as to form a club cloth occupying a corner of the towel diagonally opposite the corner having the eyelet, and the flap being attached along one edge to the towel whereby a user can clean wet and muddy items within a partial enclosure formed between the flap and the towel would have been obvious in view of Oster (figure 2) who recognizes Zeltner as being related art (page 3, lines 10-15) and improves thereover by utilizing a second generally triangular piece of material 18 in a lower corner of the golf towel where the two edges coinciding with the periphery of the towel are sewn to the towel so as to create a pocket that permits cleaning of an item inserted therein. While Oster suggest the use of triangular flap, the particular choice of a rectangular flap would have been obvious as an alternative common shape useful for aesthetics and there is no evidence to suggest that such a shape would perform differently from that of Oster.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Zeltner (US 4912800) in view of McGhee (US 6363244) as applied to claim 10 above, and further in view of Oster (WO 97/38847) and Parkinson et al. (US D339951).

Further modification of the towel attachment device of Zeltner who teaches placing the brush in a diagonally opposite corner of the towel so that through the weight of the brush the towel body hangs uniformly so that the towel has a flap in place of the brush would have been obvious in view of Oster (figure 2) who recognizes Zeltner as being related art (page 3, lines 10-15) and improves thereover by utilizing a second

Art Unit: 3677

generally triangular piece of material 18 in a lower corner of the golf towel where the two edges coinciding with the periphery of the towel are sewn to the towel so as to create a pocket that permits cleaning of an item inserted therein. Further modification of the towel attachment device of Zeltner, which has indicia on the towel, so that there is indicia on the flap would have been obvious in view of Parkison et al. (figures 1, 3-7) teaching the placement of indicia on both the towel, the sailboats, and the pocket, the Greek letters.

Response to Arguments

Applicant's arguments, see Response, page 8, ¶16, filed December 6, 2002, with respect to the rejection(s) of claim(s) 6 under §103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Zeltner (US 4912800) in view of McGhee (US 6363244).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Rudolph (US 5771523), Melov (US 5331705), Cobb (US D412422), and Curtin (US 5407723) teach pertinent towel structure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3677

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3677

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J.R. Brittain', with a stylized flourish at the end.

James R. Brittain
Primary Examiner
Art Unit 3677

JRB
March 6, 2003